

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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VICTOR GURVICH,

Case No. 0111014745

Charging Party,

ORDER

-v-

HEMATOLOGY-ONCOLOGY CENTER,  
OF THE NORTHERN ROCKIES

Respondent,

Charging Party, Victor Gurvich, (Gurvich) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age, national origin and religion by Hematology-Oncology Center of The Northern Rockies. Gurvich further alleged retaliation by his employer.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Gurvich's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Gurvich filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 20, 2011. Victor Gurvich appeared by telephone and argued on his own behalf. Attorney Bruce F. Fain appeared by telephone and argued on behalf of Hematology-Oncology Center of The Northern Rockies.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission unanimously concludes the determination of the Department to dismiss the complaint in this case was not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.* If a charging party fails to commence a civil action within 90 days, charging party's claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that the objection to the Notice of Dismissal is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Hematology-Oncology Center of The Northern Rockies.

DATED this 1<sup>st</sup> day of August 2011.

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L.M. Minich, Chair  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 1<sup>st</sup> day of August 2011.

VICTOR GURVICH  
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Tam Newby, Legal Secretary  
Montana Human Rights Bureau